

U.S. Department of Homeland Security
Washington, DC 20229



U.S. Customs and
Border Protection

(b)(2)

MAY 08 2006

MEMORANDUM FOR: ALL SECTOR CHIEF PATROL AGENTS

FROM:

for David V. Aguilar
Chief
U.S. Border Patrol

(b)(6) & (b)(7)(C)

SUBJECT: Retention of I-826, Notice of Rights and Request for
Disposition

In the past, the Seventh, Eighth and Ninth Judicial Circuits have issued adverse decisions in the cancellation of removal cases, finding that there was insufficient evidence that an alien had been granted and accepted voluntary departure under threat of deportation. A key piece of evidence that would be of use in future litigation is the I-826, Notice of Rights and Request for Disposition, because the I-826 definitely demonstrates that the alien accepted voluntary departure.

An analysis of current U.S. Customs and Border Protection, Office of Border Patrol (OBP), procedures for the retention and ultimate destruction of the I-826 indicates a significant disparity in the long-term retention of I-826's by OBP.

OBP has reviewed the agency's policy and procedures with the Office of Chief Counsel and determined that it is prudent and in the best interest of the agency to temporarily cease the destruction of all signed I-826's.

Therefore, all Sector Chiefs are to ensure that I-826's with original signatures are to be retained until otherwise instructed or for a period of at least 10 years from their dates of signature.

OBP is cognizant of the increase in the necessary storage for signed I-826's and is exploring numerous options, such as the electronic storage of the I-826, for capturing electronic signatures. OBP will advise Sector Chiefs as soon as an alternative solution is identified.

Staff may direct questions to Associate Chief (b)(6) & (b)(7)(C) at (b)(2)